STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

September 11, 2023

VIA ECF
Honorable Jennifer H. Rearden
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

> Re: *Sisters of Life v. McDonald*, No. 22-cv-7529 (JHR)

Your Honor,

I write on behalf of all parties, as directed by the Court during the status conferences on September 11, 2023 (ECF Doc. Nos. 40, 42), with a joint proposal about the next steps in the above-referenced action.

As discussed with the Court, the parties need additional time to continue discussions in exploring a resolution of this action without further litigation. To that end, the parties jointly request a further extension of the stay of this litigation through Sunday September 17, so that the parties can negotiate diligently to attempt to reach an agreement in principle about a potential non-litigated resolution of this action.

The parties propose to update the Court on the status of the negotiations by Friday September 15. In the event that efforts to resolve this action are not successful, the parties will confer and propose a schedule for the filing and briefing of plaintiff's re-filed preliminary injunction motion in the September 15 update.

Consistent with the parties' prior agreement, DOH agrees not to issue the survey to plaintiff during the period of the continued stay, and at the expiration of the stay period, not to issue the survey to plaintiff for the additional period of time that may be required for plaintiff to re-file a preliminary injunction motion, brief that motion, and for the Court to issue a decision on that motion.

Additionally, DOH agrees that it will not disseminate the survey to any other entities prior to the expiration of the proposed stay through September 17.

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      Thank you for your time and consideration in this matter.

                                      Respectfully submitted,
                                          /s/
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